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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/773,951	
	<b>Filing Date</b>	February 6, 2004	
	<b>First Named Inventor</b>	David AGUS et al.	
	<b>Group/Art Unit</b>	1645	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	39740-0009A

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> <b>Information Disclosure Statement and PTO-1449</b> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>Additional Enclosure(s) (please identify below):</b> <b>8 references submitted, copy of ISR and a stamped return postcard.</b>
<b>Remarks</b> <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b>		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

<b>Firm or Individual name</b>	David C. Foster, Reg. No. 44,685 HELLER EHRMAN WHITE & McAULIFFE LLP		
<b>Signature</b>			
<b>Date</b>	February 11, 2005	<b>Customer Number:</b>	25213

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail" (EV 582 629 451 US) on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
<b>Typed or printed name</b>	Sandra Puljic		
<b>Signature</b>		<b>Date</b>	February 11, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Agus et al. Attorney Docket #: 39740-0009A  
Serial No. 10/773,951 Group Art Unit 1645  
Filing Date February 6, 2004 Examiner: Unassigned  
Title: **GENE EXPRESSION MARKERS FOR RESPONSE TO EGFR INHIBITOR DRUGS**

Express Mail Label No.: **EV 582 629 451 US**

Mailing Date: **February 11, 2005**

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97**

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication except U.S. patents and patent application publications (1276 OG 55), is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98. In addition, enclosed is a copy of the Partial International Search Report received in a related matter for the above-identified application which discloses the reference submitted herewith.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --  
☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --  
☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --  
☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☒ a certification as specified in §1.97(e) is provided below; or

☐ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39740-0009A)**.

Respectfully submitted,

Dated: February 11, 2005

By: David C. Foster  
David C. Foster (Reg. No. 44,685 )

**HELLER EHRMAN WHITE & MCAULIFFE LLP**

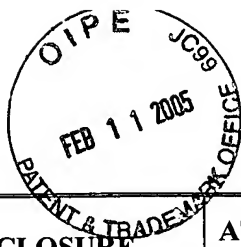
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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			<b>ATTY. DOCKET NO.:</b> 39740-0009A		<b>SERIAL NO.:</b> 10/773,951		
			<b>APPLICANT :</b> David Agus et al.				
			<b>FILING DATE:</b> February 6, 2004		<b>GROUP:</b> 1645		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	US 2002/192652	12-19-2002	Danenberg, Kathleen	435	6		
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 02/47007	6-13-2002	PCT	G06F	19/00	<input type="checkbox"/>	<input type="checkbox"/>
	WO 02/24867	3-28-2002	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	Arteaga, C., "The Epidermal Growth Factor Receptor: From Mutant Oncogene in Nonhuman Cancers to Therapeutic Target in Human Neoplasia", Journal of Clinical Oncology, Grune and Stratton, New York, NY US, Vol. 19, No. 18 pp 32S-40S, September 15, 2001						
	Cristillo, Anthony D., et al., "Identification of Novel Targets of Immunosuppressive agents by cDNA-based Microarray Analysis", The Journal of Biological Chemistry, Vol. 277, No. 6, pp 4465-4476, February 8, 2002						
	Godfrey, T. E., et al., "Quantitative mRNA Expression Analysis from Formalin-Fixed Paraffin-Embedded Tissues Using 5' Nuclease Quantitative Reverse Transcription-Polymerase Chain Reaction", The Journal of Molecular Diagnostics, pp 84-91, Vol. 2., No. 2, May 2000						
	Hinz, Michael, et al., "Nuclear Factor KappaB-dependent Gene Expression Profiling of Hodgkin's Disease Tumor Cells, Pathogenetic Significance and Link to Constitutive Signal Transducer and Activator of Transcription 5a Activity", The Journal of Experimental Medicine, Vol. 196. No. 5, pp 605-617, September 2, 2002.						
	Humphreys, R. C., et al., "Signal Transducer and Activator of Transcription 5a Influences Mammary Epithelial Cell Survival and Tumorigenesis", Cell Growth and Differentiation: The Molecular Biology Journal of the American Association for Cancer Research, Vol. 10, No. 10, pp 685-694, October 1999						
	Van't Veer, Laura J., et al., "Gene Expression Profiling Predicts Clinical Outcome of Breast Cancer", Nature, Vol. 415, No. 6871, pp 530-536, January 31, 2002						
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**CERTIFICATION**

*(Attachment to Information Disclosure Statement)*

- ☒ 37 C.F.R. §1.97(e)(1). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- ☐ 37 C.F.R. §1.97(e)(2). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Dated: \_\_\_\_\_

February 11, 2005

Respectfully submitted,

By: \_\_\_\_\_

David C. Foster

David C. Foster (Reg. No. 44,685 )